

FILED  
Clerk  
District Court

MAR 16 2007

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

MOSES T. FEJERAN, et. al.,

Case No. CV-05-0033

Plaintiffs,

vs.

AVIATION SERVICES CNMI, LTD., d.b.a.  
Freedom Air,

Defendant.

**NOTICE OF ORDER:**

- 1) DENYING MOTION TO STRIKE;**
- 2) GRANTING IN PART AND DENYING IN PART MOTION FOR IME; and**
- 2) GRANTING MOTION TO COMPEL**

This matter came before the court on March 15, 2007, on defendant's motion to strike and motion for independent medical examination ("IME") and plaintiff's motion to compel.<sup>1</sup> See Motion to Strike Frank Perez As An Expert Witness and To Order IME, No. 31 (Feb. 6, 2007); Motion to Compel, No. 33 (Feb. 15, 2007). Attorneys David G. Banes and George L. Hasselback appeared on behalf of the plaintiff; attorney David P. Ledger appeared on behalf of the defendant.

The court, having considered the arguments of the parties, **DENIED** defendant's motion to strike and **GRANTED** plaintiff's motion to compel.

**On March 15, 2007, IT WAS ORDERED THAT:**

1. The plaintiffs provide expert disclosure, if any, as required by Federal Rule of Civil Procedure 26 ("expert's report") within seven working days;
2. The defendant provide an expert's report, if any, no later than 60 days after receiving

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<sup>1</sup> The reply brief for the motion to strike and motion for IME was filed late and no extension of time was requested. The opposition brief for the motion to compel was late and no extension of time was requested.

plaintiffs' expert's report but no later than May 25, 2007;

3. The defendant respond to the plaintiffs' outstanding discovery requests, no later than 30 days after receiving plaintiffs' expert's report;

4. The plaintiff submit to an independent medical examination in Honolulu, HI, at the defendant's expense unless a certified doctor determines that the plaintiff cannot travel. The defendant must cover expenses such as air travel (business class), ground transportation, and reasonable per diem for lodging and meals; and

5. The plaintiff shall notify the defendant within five working days of whether a certified doctor has determined that the plaintiff can or cannot travel to Honolulu.

## **IT WAS SO ORDERED.**

**DATED** this 16th day of March, 2007.

Alex R. Munson  
ALEX R. MUNSON  
Judge